

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

**UNITED STATES OF AMERICA ex rel.
JOSEPH SEIKEL and TERENCE SEIKEL,**

Plaintiffs-Relators,

v.

**Civil Action No.: 1:23-CV-1
(JUDGE KLEECH)**

**DAVID B. ALVAREZ,
APPLIED CONSTRUCTION SOLUTIONS, INC.,
ENERGY TRANSPORTATION, LLC,
ENERGY RESOURCE GROUP, LLC,
ET360, LLC,
BEAR CONTRACTING, LLC,
BEAR UTILITIES, LLC,
JASON P. HENDERSON, and
JOHN DOES NOS. 1-50,**

Defendants.

**ORDER CONTINUING MOTION HEARING ON PLAINTIFFS-RELATORS' MOTION
TO COMPEL [ECF NO. 142], AND DIRECTING
PARTIES TO MEET AND CONFER PRIOR TO HEARING**

Presently pending before the Court is Plaintiffs-Relators' motion to compel [ECF No. 142] filed on November 20, 2023. By Referral Order [ECF No. 143] entered on November 21, 2023, the Hon. Thomas S. Kleeh, Chief United States District Judge, referred the motion [ECF No. 142] to the undersigned Magistrate Judge for hearing and disposition.

The undersigned convened a Motion Hearing, by videoconference, on December 8, 2023, at which appeared counsel for Plaintiffs Joseph Seikel and Terence Seikel, Will G. Powers, Anthony J. Majestro, Andrew M. Miller, Kenny Capesius; counsel for Defendants David B. Alvarez, Applied Construction Solutions, Inc., and Energy Transportation, LLC ("Alvarez Defendants"), Rebecca Pomeroy; and counsel for Defendants Energy Resource Group, LLC, ET36, LLC, and Jason P. Henderson ("Henderson Defendants"), Shawn A. Morgan.

The parties are **ORDERED** to report back to the Court as to the efforts in obtaining copies of the Paycheck Protection Program (PPP) loan application and supporting documentation for the Alvarez Defendants and Henderson Defendants from United Bank. All parties agreed that such information is necessary and should be shared amongst all parties. Therefore, upon obtaining the loan documents, it shall be disclosed to all parties and to the Court by emailing a copy to Magistrate Judge Aloï's Law Clerk, Nakia Ridgeway, at nakia_ridgeway@wvnd.uscourts.gov.

Accordingly, it is hereby **ORDERED** that the Motion Hearing concerning the referred motion be **CONTINUED** before the undersigned to **January 4, 2024 at 2:00 p.m.** at the Clarksburg point of holding court, Third Floor, in the Magistrate Judge Courtroom. As the Court indicated on the record, the Court will address the parties' progress in obtaining the above-noted files in the Motion Hearing.

The Motion Hearing will be conducted remotely, **using the Court's Zoom videoconferencing/teleconferencing credentials**. To join the meeting, participants may connect either by video or by telephone. Participants can connect by video by using the following link:

<https://www.zoomgov.com/j/1605681245?pwd=OU1BTDFQUUDkraHA4U3Zpd1BIQW0rQT09> .

Alternatively, participants may connect by telephone by calling (646) 828 7666, then entering Meeting ID 160 568 1245 and Passcode 43281. If participants have trouble connecting, they may contact the above-noted Law Clerk directly by calling (304) 623-7172 or sending an e-mail to nakia_ridgeway@wvnd.uscourts.gov.

Further, the parties are **ORDERED** to meet and confer, by telephone or other real-time means of communication, as to the pending motion [ECF No. 142] prior to the hearing scheduled herein. If the parties resolve all of the matters raised in said motion, counsel for the movant shall notify the Court forthwith, by contacting the above-noted Law Clerk. If the parties do not resolve

the matters raised in the motion, the Court will inquire as to the same during the aforementioned hearing.

It is all so **ORDERED**.

The Clerk of the Court is **DIRECTED** to provide a copy of this Order to all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: December 11, 2023.


MICHAEL JOHN ALOI
UNITED STATES MAGISTRATE JUDGE